

1 LIBERTY AMMUNITION, LLC v. UNITED STATES

2 TRIAL VOLUMES 1-11

3 MASTER INDEX

4

5	<u>WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR</u>	<u>COURT</u>
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7	Marx	279	350	418			344
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9	Phillips	425	458				
10	German	573	687	715	723	553	572
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13	Griffith	726	747				748
14	McCleerey	831	890		897	856	854
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17	Hoffman	1156	1217	1298			1165
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19	Newill	1501	1711	1820			1555
20			1764				
21	Mansfield	1828	1909	1942	1945		
22	Middleton	1949	1990				
23	Hanzl	1999	2042	2068	2071		2069
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1	Riggs	2074	2122	2133	2134	2132
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1	<u>DEPOSITION DESIGNATIONS:</u>	<u>PAGE:</u>
2	Magness	144
3	Ehlers	181
4	Kamdar	225
5	Amick	473/531/2738
6	Weinacht	551
7	Bennett	751
8	Minisi	899
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10	South	1064/1138
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12	Riggs	1307
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LIBERTY AMMUNITION, LLC v. UNITED STATES

TRIAL VOLUMES 1-11

MASTER INDEX

ADMITTED EXHIBITS

Joint

Description

1	1	Plaintiff Liberty Ammunition's First
2		Notice of Deposition to Defendant
3		Pursuant to Rule 30(b)(6) of RCFC and
4		FRCP
5	3	Bilateral Non-Disclosure Agreement signed
6		by P.J. Marx, Maj. Glenn Dean and John
7		Amick, dated February 17, 2005
8	4	E-mail from Glenn Dean to P.J. Marx
9		regarding "Improved 5.56mm round" and
10		preceding e-mail.
11	5	E-mail from Glenn Dean to P.J. Marx
12		regarding "Improved 5.56mm round" and
13		preceding e-mail.
14	6	E-mail from P.J. Marx to Glenn Dean
15		regarding "Improved 5.56mm round and
16		Bilateral Non-Disclosure," sent November
17		17, 2004

For The Record, Inc.

(301) 870-8025 - www.ftrinc.net - (800) 921-5555

<u>Joint</u>	<u>Description</u>
7	E-mail from Paul Riggs to P.J. Marx regarding "New Bullets for 5.56mm."
8	E-mail from Glenn Dean regarding "Improved Ammunition Technologies."
9	E-mail from Matthew Butler to Glenn Dean and multiple recipients and preceding e-mail from Glenn Dean to multiple recipients regarding "Improved Ammunition Technologies."
11	ARLM855 diagram and data.
14	SoldierGeek.comSoldier/Geek MilBlog article regarding details and data of Army M855A1 5.56mm Enhanced Performance Round Demo at APG
15	SoldierGeek.comSoldier/Geek MilBlog article regarding "In Search of Lethality: Green Ammo and the Development of the M855A1 Enhanced Performance Round."
16	SoldierGeek.comSoldier/Geek MilBlog article regarding "Army article details military patents."

<u>Joint</u>	<u>Description</u>
17	SoldierGeek.comSoldier/Geek MilBlog article regarding "Army announces 2010 Greatest Inventions List."
20	Presentation materials titled, "Improved Performance 5.56mm Desired Characteristics."
21	Presentation materials titled "Green Ammunition Phase II Kick-off," dated July 26, 2005
22	Presentation regarding M855 Green Ammo information from March 2006
24	Presentation materials titled "Product Manager Small and Medium Caliber Ammunition Green Ammo Status presentation," dated October 10, 2006
24A	PM Small and Medium Caliber Ammunition Green Ammo Status (color copy), dated October 10, 2006
25	Presentation materials titled "M855A1 Enhanced Performance Round (EPR) Media Day."
30	Spreadsheet listing IPT memberships

<u>Joint</u>	<u>Description</u>
1 31	Presentation materials titled "Project
2	Manager Maneuver Ammunition Systems
3	Information Brief Briefing to Congressman
4	Sherwood on the Status of the Green Ammo
5	Program," dated March 7, 2005.
6	
7 32	Document regarding Green Ammunitions Phase
8	II Program, Subject: Material Change
9	Position, dated April 7, 2005
10 33	Presentation regarding 5.56 mm Green Ammo
11	Program Strategy 5.56 mm M855, dated April
12	14, 2005
13 34	E-mail from John W. Amick to Frank Hanzl
14	regarding "improved ammunition
15	technologies" sent February 23, 2005, and
16	preceding e-mails
17 35	E-mail from Paul M. Riggs to P.J. Marx
18	regarding "improved ammunition" and
19	preceding e-mail both e-mails sent March 4,
20	2005
21 36	Presentation titled "Welcome to Green Ammo
22	Industry Day," dated May 11, 2005
23 37	E-mail from John Amick to P.J. Marx
24	regarding Improved 5.56mm Ammunition and
25	preceding e-mail

<u>Joint</u>	<u>Description</u>
39	E-mail from Shawn P. Spickert-Fulton to Paul M. Riggs and John W. Amick regarding "improved 5.56mm ammunition," sent June 1, 2005, and preceding e-mails
40	Document titled "5.56mm Small Caliber Improved Projectile Program."
41	Presentation titled "Green Ammunition Phase II Overarching Review Army Research Laboratory," dated September 22, 2005
42	Presentation titled "M855 Green Ammo."
43	Document titled "Subject: SMC Note on Green Ammo."
44	Presentation titled "Program Review Green Ammo," dated May 16, 2007
45	Presentation titled "Project Manager Maneuver Ammunition Systems Green Ammo," dated September 21, 2007
46	Presentation titled "Green Ammunition Program M855LFS Critical Design Review," dated February 7, 2008
48	E-mail from Thomas Campion to Shawn Spickert-Fulton regarding "New 5.56 round" and preceding e-mails, sent August 4-5, 2005

<u>Joint</u>	<u>Description</u>
50	Fax/e-mail from Walter Brown to Stephen Judlowe regarding Deposition of Dr. James Newill
51	Army Regulation 27-60: Legal Services Intellectual Property document
52	Handwritten Sketch/Diagram
53	TDP drawings of the M855A1 Round (redacted)
54	TDP drawings of the M855A1 Round (not redacted). (Note: Both German exhibits combine PDX 67 and PDX 68.)
55	Photograph of bullet in flight
56	Annotated photograph of bullet in flight noting jacket, slug and penetrator. (Note: Both German exhibits combine PDX 69a and PDX 69b.)
57	M855A1 gel shot video
58	Provisional Application for Patent Cover Sheet
59	Electronic Acknowledgement Receipt for Provisional U.S. Patent Application Number 61/332631
61	Diagram of Bullets

<u>Joint</u>	<u>Description</u>
62	Patent application titled "Bullet Assembly for Ammunition."
64	Army Times cover and article titled "Ammo under fire."
65	Presentation titled "Project Manager Maneuver Ammunition Systems: Enhancing Small Arms Effectiveness in Current and Future Operations," dated May 22, 2009
66	Army Times cover and article titled "Deadlier round Denied."
67	Army Times article titled "Field the better bullet." (Note: Both German exhibits combine PDX 71a through PDX 71j.)
69	Defendant's Responses to Plaintiff's First Set of Interrogatories, dated April 6, 2012
74	Document titled "The Design and Early Production of the Lead Free M855 A1 Cartridge," dated August 2009
75	Document titled "M855 Green Ammunition System Study."

<u>Joint</u>	<u>Description</u>
76	Presentation titled "M855 Green Ammo," dated May 17, 2006
77	E-mail from John Amick to Frank Hanzl regarding "Liberty Ammunition Testing" with attachments relating to EPIC rounds, sent August 18, 2005, and preceding e-mail
78	E-mail from Thomas A. Campion to Mark D. Minisi regarding "Liberty Ammunition testing," sent August 22, 2005, and preceding e-mails
79	Presentation titled "New Concepts for M855 5.56 mm Ball Ammunition," dated July 27, 2004
80	U.S. Army article "PEO Ammunition team wins DOD's highest award."
81	Handwritten notes regarding small caliber meeting
82	After Action Report Liberty Ammunition Demonstration September 8, 2010
83	TDP drawings of the M855 projectile and round (G1-040238 to G1-040246); (DDX 51 & Kit. Infr. Ex. 3 are only G1-040238 to G1-040246.)

<u>Joint</u>	<u>Description</u>
84	Document titled "Enhanced Small Arms Ammunition."
85	E-mail from P.J. Marx to Christine Johnson regarding "Section K and Request to Complete ORCA Data," dated October 11, 2008, with attachments
86	Cover Letter from P.J. Marx to Christine Johnson
87	E-mail regarding "Section K and Request to Complete ORCA Data" from Christine Johnson to P.J. Marx sent October 13, 2006 and preceding e-mail
88	E-mail from Christine E. Johnson to Martha Delgado regarding "SF 1403 and Proposal for Liberty Ammunition SOCOM06-008," dated November 9, 2006, with attachment
93	Excerpts from Army AL&T magazine titled Better Buying Power
94	Presentation from U.S. Army Contracting Command Rock Island Contracting CenterLake City Army Ammunition Plant Industry Day
96	Contract Number W52P1J-12-D-0078 Signed: September 28, 2012

<u>Joint</u>	<u>Description</u>
98	Contract Number W52P1J-12-D-0078/ W52P1J-12-C-0070 Attachment 0025 Notes and Financials November 17, 2011
102	Presentation titled "Summary of Performance for M855, and M855LFS Projectiles" by James Newill and Tyler Ehlers, dated April 30, 2009
107	Bullet Diagram Part No. 13037149
119	Letter from Christopher Thomas (with attachments), dated August 16, 2012, and responsive letter from Earl Griffith, dated December 24, 2012
120	Presentation materials entitled "M855A1 Enhanced Performance Round (EPR)."
122	E-mail from Thomas Campion to Charles Marsh, and others, with attachments regarding "Liberty Ammunition testing" and accompanying information on EPIC, sent August 8, 2005. (Note: PDX 76 is a subset of DDX 2, i.e., G1-039532; G1-039534 to G1-039536; G1-039533.)
123	E-mail exchange regarding "Liberty Ammunition" between Tucker Campion and P.J. Marx, sent June 13-14, 2005

<u>Joint</u>	<u>Description</u>
125	SBIR Proposal Number S061-008-0004,
	submitted by Liberty Ammunition, Inc.,
	dated January 13, 2006
126	Final Report of Liberty Ammunition pursuant
	to SBIR Contract No. H92222-07-P-0037,
	dated September 16, 2007
127	E-mail from Tucker Campion to P.J
	Marx regarding "Patent Issues," sent
	December 16, 2008
128	E-mail from P.J. Marx to Tucker Campion
	regarding "Patent Issues," sent December
	16, 2008.
129	E-mail from Tucker Campion to P.J. Marx
	regarding "Patent Issues," sent December
	17, 2008 and preceding e-mail
131	Bilateral Non-Disclosure Agreement signed
	by P.J. Marx and Charles Marsh, dated
	January 11, 2006
132	"Assignment of Rights in Patent
	Application" from P.J. Marx to Liberty
	Ammunition, Inc., dated April 5, 2010

<u>Joint</u>	<u>Description</u>
137	Department of Defense Fiscal Year (FY) 2014 President's Budget Submission, Navy, Procurement of Ammo, Navy & MC, Budget Activity 01, April 2013. (Cited in Bokhart Report at n.167.)
139 (Dem.)	How Much Does a Bullet Cost? Army Magazine By: Col. Stanley Lillie, et al. May 2002. (http://www3.ausa.org/Webint/Deptarmymagazine.nsf/byid/CCRN-6CC3V)
142	Experiment At Ft. Dix Will Star At Expo With Hard Work And Wheat Seeds, Hazardous Metals Are Being Sucked Out Of Soil On A Firing Range To Boost The Environment. By: Marc Levy, Inquirer Suburban Staff October 27, 1999. (http://articles.philly.com/1999-10-27/news/25508234_1_firing-range-munitions-plant-dirt)
143	Declaration of Michael Pugliese, signed January 9, 2014
144	Current M80A1 Drawings Package
145	762 M80A1 Changes
147	Current M855A1 Drawing of Bismuth-Tin slug

1	<u>Joint</u>	<u>Description</u>
2	509	ITRC Cleanups
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<u>Plaintiff's</u>	<u>Description</u>
1	Certified Copy of US Patent 7,748,325
2	Provisional (Second) Application for
3	Patent (No. 61333088)
4	Certified Copy of File Wrapper and
5	Contents of US Patent 7,748,325
6	"Expert Report of Randall M. German on
7	Infringement of U.S. Patent No.
8	7,748,325"
9	Exhibit C to German Infringement Report -
10	Materials Reviewed by Randall German
11	Exhibit L to German Infringement Report -
12	Berger Bullets Quick Reference Sheet
13	Exhibit M to German Infringement Report -
14	Barnes Bullets X-Citing Facts
15	Exhibit P to German Infringement Report -
16	M240 Rifle Barrel TDP
17	Exhibit S to German Infringement Report -
18	Sierra Bullets 7.62 Projectile Info
19	Expert Report of Creighton G. Hoffman
20	Regarding Damages
21	"Reply Expert Report of Randall M. German
22	on Validity of U.S. Patent No. 7,748,325"
23	Exhibit A to German Validity Report CV
24	of Randall German
25	

1	<u>Plaintiff's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	1	Comparison of Defendant's M855A1 and
4		M80A1 EPR Rounds to Liberty's '325 Patent
5	2	Defendant's M855A1 EPR Round: "Reduced
6		Area of Contact"
7	3	Defendant's M80A1 EPR Round: "Reduced
8		Area of Contact"
9	4	Claim 1 of Liberty's '325 Patent
10	5	Claims 2, 3 and 7 of Liberty's '325
11		Patent
12	6	Claims 2, 3 and 7 of Liberty's '325
13		Patent
14	7	Claims 2, 3 and 7 of Liberty's '325
15		Patent
16	8	Defendant's M855A1 EPR Round
17	9	Defendant's M80A1 EPR Round
18	10	Defendant's M855A1 EPR Round
19	11	Defendant's M80A1 EPR Round
20	12	Claims 2, 3 and 7 of Liberty's '325
21		Patent
22	13	Claims 8, 9, 10 and 11 of Liberty's
23		'325 Patent
24	14	Defendant's M855A1 EPR Round
25	15	Defendant's M80A1 EPR Round

1	<u>Plaintiff's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	16	Defendant's M855A1 EPR Round
4	17	Defendant's M80A1 EPR Round
5	18	Claims 8, 9, 10 and 11 of Liberty's
6		'325 Patent
7	19	Claims 8, 9, 10 and 11 of Liberty's
8		'325 Patent
9	20	Defendant's M855A1 EPR Round
10	21	Defendant's M80A1 EPR Round
11	22	Claims 8, 9, 10 and 11 of Liberty's
12		'325 Patent
13	23	Claims 18, 19 and 20 of Liberty's
14		'325 Patent
15	24	Defendant's M855A1 EPR Round
16	25	Defendant's M855A1 EPR Round
17	26	Defendant's M855A1 EPR Round
18	27	Defendant's M855A1 EPR Round
19	28	Defendant's M80A1 EPR Round
20	29	Defendant's M80A1 EPR Round
21	30	Defendant's M80A1 EPR Round
22	31	Defendant's M80A1 EPR Round
23	32	Claims 18, 19 and 20 of Liberty's
24		'325 Patent
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1	<u>Plaintiff's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	33	Claims 18, 19 and 20 of Liberty's
4		'325 Patent
5	34	Defendant's M855A1 EPR Round
6	35	Defendant's M855A1 EPR Round
7	36	Defendant's M855A1 EPR Round
8	37	Defendant's M80A1 EPR Round
9	38	Defendant's M80A1 EPR Round
10	39	Defendant's M80A1 EPR Round
11	40	Claims 22, 25 and 28 of Liberty's
12		'325 Patent
13	41	Defendant's M855A1 EPR Round
14	42	Defendant's M80A1 EPR Round
15	43	Claims 22, 25 and 28 of Liberty's
16		'325 Patent
17	44	Defendant's M855A1 EPR Round
18	45	Defendant's M855A1 EPR Round
19	46	Defendant's M855A1 EPR Round
20	47	Defendant's M80A1 EPR Round
21	48	Defendant's M80A1 EPR Round
22	49	Defendant's M80A1 EPR Round
23	50	Claims 22, 25 and 28 of Liberty's
24		'325 Patent
25	51	Defendant's M855A1 EPR Round

1	<u>Plaintiff's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	52	Defendant's M80A1 EPR Round
4	53	Claim 29 of Liberty's '325 Patent
5	54	Defendant's M855A1 EPR Round
6	55	Defendant's M80A1 EPR Round
7	56	Claim 29 of Liberty's '325 Patent
8	57	Claim 30 of Liberty's '325 Patent
9	58	Defendant's M855A1 EPR Round
10	59	Defendant's M80A1 EPR Round
11	60	Claim 30 of Liberty's '325 Patent
12	61	Claim 31 of Liberty's '325 Patent
13	62	Defendant's M855A1 EPR Round
14	63	Defendant's M80A1 EPR Round
15	64	Claim 31 of Liberty's '325 Patent
16	65	Claim 32 of Liberty's '325 Patent
17	66	Defendant's M855A1 EPR/M80A1 Rounds
18		"Disposed Intermediate Opposite Ends"
19	67	Comparison of Defendant's M855A1 EPR
20		and M80A1 EPR Rounds to Liberty's
21		'325 Patent
22	68	Claim 32 of Liberty's '325 Patent
23	69	Comparison of Defendant's M855A1 EPR
24		and M80A1 EPR Rounds to Liberty's
25		'325 Patent

1	<u>Plaintiff's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	70	Claim 32 of Liberty's '325 Patent
4	71	Claims 38, 39, 40 and 41 of Liberty's
5		'325 Patent
6	72	Defendant's M855A1 EPR/M80A1 EPR Rounds:
7		"Said Interface Comprises a Greater
8		Outside Diameter...Than Either Said Nose
9		Portion or Said Tail Portion"
10	73	Claims 38, 39, 40 and 41 of Liberty's
11		'325 Patent
12	74	Defendant's M855A1 EPR/M80A1 EPR Rounds:
13		"Said Interface Is...Structured to
14		Isolate Said Nose Portion from Contact
15		with An Internal Surface of the Barrel of
16		the Firearm"
17	75	Claims 38, 39, 40 and 41 of Liberty's
18		'325 Patent
19	76	Defendant's M855A1 EPR/M80A1 EPR Rounds:
20		"Said Interface Comprises a Tapered
21		Portion"
22	77	Bullet Assembly
23	78	Bullet Assembly
24	79	Patent Infringement Damages
25	80	Patent Infringement Damages

1	<u>Plaintiff's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	81	Georgia-Pacific Factors
4	82	Patent Infringement Documents
5	83	Reasonable Royalties Due Liberty
6		On Government Orders of M80A1 Rounds [1]
7	84	Breach of Contract Damages
8	86	Nosler Patent Comparison
9	87	Nosler Patent Comparison
10	88	Nosler Patent Comparison
11	89	Leussler Patent Comparison
12	90	Gel Testing Guidelines
13	91	Guideline Comparison
14	92	Def. Patent & Indicia of Invention
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<u>Defendant's</u>	<u>Description</u>
11	Sketch of bullets created by
	Lt. Col. Glenn Dean
103	ATK presentation regarding 5.56mm
	HP ² High Performance Heavy
	Projectile
108	Memorandum from Mark Minisi to PM-MAS
	regarding "Wound Ballistics IPT Chair
	responsibilities," dated March 7, 2012
109	Presentation titled "Green
	Ammunition Phase II Program: Open
	Actions," dated March 16, 2005
110	Meeting minutes for meeting about "Joint
	Service Wound Ballistics IPT, in purpose,
	goals, and path forward; minutes by Mark
	Minisi and dated October 19, 2014
111	E-mail from Thomas Campion to Mark Minisi
	and Charles Marsh regarding "NEW 5.56
	round," sent August 4, 2005.
112	Document titled "Angle of Attack at Impact;
	Its effect on the yaw history of
	projectiles in gelatin media," by Mark
	Minisi

<u>Defendant's</u>	<u>Description</u>
117	Presentation titled "Green Ammo Design IPT Overview: Improper In-Bore Behavior Can Result In Erratic Flight Down Range," dated October 17, 2006
122	Handwritten notes regarding weekly DIPT telephone conference call
125	Presentation titled "Green Ammunition Phase IISI IPT Tech Team Meeting," dated October 4-5, 2005
127	ATK presentation materials titled "AFY03 .50 Caliber RM-SAPHEI Program," dated September 3, 2003 (G1- 000034 to G1-000042)
128 (pp. 23-36)	Expert Report of Clarence W. Kitchens, Jr., Ph.D., dated December 21, 2012 (with all attachments)
130	E-mail from Thomas J. Piazza to LTC Eric S. Glenn, and others, regarding "Phase II SOO Package for SOCOM06-008 titled 'Small Arms Ammunition' with Liberty Ammunition," sent April 10, 2008.

<u>Defendant's</u>	<u>Description</u>
131	E-mail from John D. Bennett to Shawn D. Patterson, and others, regarding "4.6 SOW" with attachment, sent January 6, 2011
132	E-mail regarding "Liberty Ammunition" from Thomas Piazza to Justin Craig-Kuhn, sent May 20, 2011
133	Distribution lists
134	E-mail from Shawn K. Martin to Jacqueline C. Germain, and others, regarding "SOCOM06-008 Enhanced Small Arms Ammunition," dated September 27, 2006
138	E-mail from Steve French to Christine E. Johnson, and others, regarding "PH I SBIR Award for Enhanced Small Arms Ammunition; Proprietary Data in the Attachment," sent October 20, 2006, and preceding e-mails
140	E-mail from Christine E. Johnson to Randy Ard, and others, regarding "Follow-Up on SOCOM06-008 Enhanced Small Arms," dated December 8, 2006

<u>Defendant's</u>	<u>Description</u>
141	Standard Form 1403, Pre-Award Survey of Prospective Contractor-General, signed February 22, 2007, and accompanying documents
156	Presentation titled "Projectile Mass Study," dated May 23, 2012
157	Presentation titled "System Integration IPT Open Actions," dated August 30, 2005
163	Photograph of M80A1 Prototype gel shot
164	Photograph of M80A1 Prototype gel shot
175	Defendant's Responses to Plaintiff's Third Set of Interrogatories
189	Modification Number 11 of Contract Number W52P1J-12-D-0078
196	Document entitled "Enforcement Programs and Services."
202	Expert Report of Clarence W. Kitchens, Jr., Ph.D. Regarding Validity of the Asserted Claims of U.S. Patent Number 7,748,325 B2, signed on February 18, 2014

<u>Defendant's</u>	<u>Description</u>
203	Responsive Expert Report of Clarence W. Kitchens, Jr., Ph.D. Regarding Infringement of the Asserted Claims of U.S. Patent Number 7,748,325 B2, signed March 25, 2014
204	Supplemental Expert Report of Clarence W. Kitchens, Jr., Ph.D. Regarding Validity of the Asserted Claims of U.S. Patent No. 7,748,325 B2, signed April 9, 2014
208	Kitchens Resume
212	E-mail from Troy Lawton to John Amick with attached shoot data, dated November 1, 2005
214	E-mail sent August 19, 2005 from Dan Mansfield to Dipak Kamdar, Joseph South, and others, regarding concept drawings from Art Kittle and forwarding attached drawings from Art Kittle.
215	Presentation materials titled "Green Ammo Phase III PDRDesign IPT," dated November 6, 2007
216	Document titled "M855A1 Production Qualification Test (PQT) Results."

<u>Defendant's</u>	<u>Description</u>
218	Handwritten notes of Joseph South dated July 26, 2005 regarding Phase II of Green Ammo Program
219	Subpoena of Tucker Campion served on September 7, 2012
236	"Exclusive License Agreement" between P.J. Marx and Liberty Ammunition, Inc., dated March 5, 2010
239	Document titled "Liberty Ammunition Management Biographies July 2010."
254	Document titled "Report of Certified Public Accountants," dated September 8, 2010
260	Liberty Ammunition presentation materials
263	Correspondence from Brent Willis to Prince Moutab Bin Abdullah Bin Abdulaziz (Saudi Arabian National Guard)
265	Contract No. DAAA09-99-D-0016 Modification Number 11 Effective Date: September 20, 2000
266	Documents showing "Combinations of Adopted Items."

<u>1</u>	<u>Defendant's</u>	<u>Description</u>
2	267	Contract No. DAAA09-99-D-0016
3		Modification Number 8
4		Effective Date: September 29, 2000
5	268	Document showing "Combinations of
6		Adopted Items."
7	270	Document titled "Test Report 4.6 x 30mm
8		CDRL A005 SBIR Phase II Contract No.
9		H92222-12-C-0021," dated March 2013
10	272	Liberty Ammunition presentation
11		materials, dated January 2012
12	274	Article titled "Liberty Ammunition
13		Announces New Executive Management Team,"
14		dated December 17, 2013
15	275	Presentation materials titled "Board of
16		Directors Meeting Initial Impressions
17		Steven C. Torma, President & CEO."
18	276	Presentation materials titled "2013
19		Investor Review," dated May 29, 2013.
20	277	Presentation materials titled "Board
21		Meeting Liberty Ammunition, Inc.
22		~Part I~, " dated September 26, 2013
23	279	U.S. Patent No. 3,003,420 (issued to
24		Nosler)
25		

<u>Defendant's</u>	<u>Description</u>
280	Technical drawings of M855 and M855LF projectiles
281	U.S. Patent No. 1,967,416 (issued to Leussler)
282	U.S. Patent No. 4,753,172 (issued to Katzmann)
283	U.S. Patent No. 2,958,287 (issued to Auxier)
284	Frost, George E., <i>Ammunition Making: An Insider's Story</i> , Publication of the National Rifle Association of America, May 1990 (ISBN 0-935998-57-8).
285	U.S. Patent No. 3,154,016 (issued to Frey)
286	U.S. Patent No. 4,884,508 (issued to Kruse)
287	U.S. Patent No. 6,973,879 B1 (issued to McElroy)
288	U.S. Patent No. 3,069,748 (issued to Nosler)
289	M855 Bullet Manufacture Flow Charts

<u>Defendant's</u>	<u>Description</u>
290	Test Report on M855 and M855 LFS Terminal Ballistics Tests (C.W. Kitchens, Ph.D.).
291	Data, Gelatin Block and Fragment Photographs for M855 and M855 LFS Tests.
292	Fragment Data Sheets for M855 and M855 LFS Tests
294	Lot Acceptance Information for M855 and M855 LFS Projectiles Used in Tests
295	Modification of Contract Number W52P1J-11-C-0038 Amendment Number P00035 February 7, 2014
296	Data regarding Sierra Bullets, submitted by Patrick Daly on March 19, 2014
299	Technical Report 2014-02: Comparison of 5.56mm M855, M855 LFS and M855A1 Bullet Impact into 20% Gelatin Blocks (C.W. Kitchens, Ph.D.)
300	Fragment Data Sheets for M855A1 Tests

<u>Defendant's</u>	<u>Description</u>
301	Data, Gelatin Block and Fragment Photographs for M855A1 Tests
305	Pictures and information regarding cited Berger projectiles acquired from Berger Bullets website.
306	Pictures and information regarding cited Sierra projectiles acquired from Sierra Bullets website
307	Printout of Nosler Partition Bullet information, dated April 7, 2014. (http://www.nosler.com/partition)
308	Photographs of MK262 5.56mm projectile
309	Photographs and data for various 5.56mm projectiles
318	TDP drawings of M80 round (including both projectile variants)
479	Department of the Army, FYDP Procurement Annex, President's Budget 2015 (Includes OCO) February 4, 2014

<u>Defendant's</u>	<u>Description</u>
1 495	U.S. Army Corps of Engineers
2	Treatment and Management of Closed or
3	Inactive Small Arms Firing Ranges June
4	2007 (http://oai.dtic.mil/oai/
5	oai?verb=getRecord&metadataPrefix
6	=html&identifier=ADA471052)
7 498	EPA Military Munitions Rule February
8	12, 1997. (http://www.epa.gov/osw/
9	laws-regs/state/revision/frs/fr156.pdf)
10 514	Progress and Next Steps for Army's
11	Operational Range Assessments (ORAs)
12	June 16, 2010 (http://e2s2.ndia.org/
13	pastmeetings/2010/tracks/Documents/
14	9904.pdf)
15 527	Expert Report of Christopher J. Bokhart,
16	signed March 25, 2014.
17 528	Tabs 1 through 14 to Expert Report of
18	Christopher J. Bokhart, signed March 25,
19	2014
20 538-A	Certified copies of Army's
21	provisional patent applications
22	(presently ordered for both parties
23	but not received)
24	
25	

1	<u>Defendant's</u>	<u>Description</u>
2	538-B	Certified copies of Army's
3		provisional patent applications
4		(presently ordered for both parties
5		but not received)
6	564	E-mail from John Amick to P.J. Marx, sent
7		November 1, 2005
8	575	Presentation materials entitled "Concept B
9		Review," by Adam Hamilton, dated
10		January 19, 2006
11	578	Presentation materials entitled "Design
12		IPT Status," dated December 12, 2005
13	581	Presentation materials entitled "Strength
14		of Design Methods Green Ammo II DIPT,"
15		by Joseph South
16	584	Presentation materials entitled
17		"Green Ammunition Phase II Program
18		Preliminary Program Review," dated
19		February 22-24, 2005
20	604	Green Ammo Manufacturing Checklist
21		Concept B
22	605	Barrel Erosion Data 2014 M80A1
23		Verification Test Emerging Results
24		
25		

1	<u>Defendant's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	1	Projectile Cross Sections
4	2	Cross-Section of an M855A1 Cartridge
5	3	Cutaway of Projectile
6	4	Metal Plate
7	5	Metal Plate
8	6	Infringement Slide
9	7	Projectile Slide
10	8	Claim 1 Elements
11	9	Claim 32 Elements
12	10	Claim 32-2 Elements
13	11	Reduced Area of Contact Definition
14	12	Kitchens Topics
15	13	Firearm Rifling
16	14	M4 Cross-section
17	15	Area of Contact
18	16	Engraved Surface Area
19	17	Bullet Dimensions
20	18	Best Method of Approximate
21	19	Comparator Projectiles
22	20	Appropriate Comparator
23	21	Chart Summary
24	22	Limitation Not Literally Found in M855A1
25	23	Area of Contact

1	<u>Defendant's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	24	Comparative Bullet Calculations
4	25	German/Kitchens Comparator Bullets
5	26	Kitchens M855 Conclusions
6	27	M80A1 Chart
7	28	M80A1 Calculations
8	29	M80 Variant Chart
9	30	M80 Area of Contact
10	31	M80A1 Conclusion
11	32	7.62mm Bullet Comparators Chart
12	33	Dr. German M80 Conclusion
13	34	Function-Way-Result Test
14	35	M855A1 & M80A1 Not Equivalent
15	36	Intermediate Opposite Ends Limitation
16	37	3 Facts Slide
17	38	Principal Function of Limitation
18	39	Court Construction of Intermediate
19		Opposite Ends
20	40	Conclusion of Intermediate Opposite Ends
21	41	Conclusion by Equivalents
22	42	Controlled Rupturing
23	43	Controlled Rupturing Chart
24	44	Invalidity Slide
25	45	Brief Summary of Opinions

1	<u>Defendant's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	46	Claims 1 & 32 Invalidity
4	47	Claim 1 Conclusion
5	48	Nosler '420 Patent
6	49	M855 & M855 LFS Prior Art
7	50	Leussler '416 Patent
8	51	Claim 1 Elements
9	52	Claim 1, Element A
10	53	Claim 1, Element B
11	54	Prior Art References
12	55	Claim 1, Element C
13	56	Claim 1, Element C Conclusion
14	57	Claim 1, Element C Charts
15	58	Summary of M855/M855 LFS Tests & Results
16	59	Further Results
17	60	Claim 1, Element D
18	61	Claim 1, Element D Prior Art
19	62	Claim 1, Element E
20	63	Claim 1, Element E Prior Art
21	64	Flow Charts - Manufacturing Process
22	65	Prior References to Rupture
23	66	Claim 1 is Invalid
24	67	Dependent Claims
25	68	Anticipation References

1	<u>Defendant's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	69	Claim 2: Continued
4	70	Claim 2: Continued
5	71	Nosler, Inc. Website
6	72	Nosler, Inc. Website
7	73	Claim 3
8	74	Claim 3: Continued
9	75	Claim 7
10	76	Claim 7: Continued
11	77	Claim 7: Continued
12	78	Claim 8
13	79	Claim 8: Continued
14	80	Claim 9
15	81	Claim 9: Continued
16	82	Claim 10
17	83	Claim 10: Continued
18	84	Claim 11
19	85	Claim 11: Continued
20	86	Claim 18
21	87	Claim 18: Continued
22	88	Claim 19
23	89	Claim 19: Continued
24	90	Claim 20
25	91	Claim 20: Continued

1	<u>Defendant's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	92	Claim 20: Continued
4	93	Ordinary Skill in the Art of Weapons
5		and Small Arms Ammunition
6	94	Claim 22
7	95	Claim 22: Continued
8	96	Claim 25
9	97	Claim 25: Continued
10	98	Claim 28
11	99	Claim 28: Continued
12	100	Claim 28: Continued
13	101	Claim 29
14	102	Claim 29: Continued
15	103	Claim 30
16	104	Claim 30: Continued
17	105	Claim 31
18	106	Claim 31
19	107	Claim 32 is Anticipated and Rendered
20		Obvious By the Prior Art
21	108	Claim 32
22	109	"Intermediate Opposite Ends" Limitation
23	110	"Intermediate Opposite Ends"
24		Limitation (Continued)
25	111	"Primary Area of Contact" Limitation

1	<u>Defendant's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	112	Conclusions Regarding Claim 32
4	113	Asserted Claims Depending from Claim
5		32 Also Anticipated & Rendered
6		Obvious by the Prior Art
7	114	Claim 38
8	115	Claim 38: Continued
9	116	Claim 38: Continued
10	117	Claim 39
11	118	Claim 39: Continued
12	119	Claim 39: Continued
13	120	Claim 40
14	121	Claim 40: Continued
15	122	Claim 41
16	123	Claim 41: Continued
17	124	Claim 41: Continued
18	125	Secondary Considerations of
19		Non-Obviousness
20	126	Objective Indicia of Nonobviousness,
21		aka, Secondary Considerations of
22		Nonobviousness
23	127	Long-Felt Need for M855 Replacement
24	128	Failure of Others to Find M855
25		Replacement

1	<u>Defendant's</u>	
2	<u>Demonstrative</u>	<u>Description</u>
3	129	Commercial Success of M855A1
4	130	Intentional Copying of Marx Design
5	131	Acclaim Relating to M855A1
6	138	Bullets (Physical)
7	139	Bullets (Physical)
8	140	Bullets (Physical)
9	141	Bullets (Physical)
10	142	Bullets (Physical)
11	143	Bullets (Physical)
12	144	Draft Guidelines
13	145	M855A1 Components
14	323	Nosler Video
15	455	Fort Dix Cleanup
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